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7 Attorneys for Complainant/Petitioner
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation and Petition to
13 Revoke Probation Against:

14 **JANIECE MARIE DONALDSON**
ANDRAKIN, aka
15 **JANIECE MARIE DONALDSON**
19586 Pitt River Place #A
Cottonwood, CA 96022

16 **Registered Nurse License No. 548656,**

17 Respondent.
18

Case No. 2003-282

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

19 **FINDINGS OF FACT**

20 1. On or about October 7, 1998, the Board of Registered Nursing ("Board")
21 issued Registered Nurse License Number 548656 ("license") to Janiece Marie Donaldson
22 Andraikin, also known as Janiece Marie Donaldson ("Respondent"). The license expired on
23 April 30, 2006, and has not been renewed.

24 2. On or about April 25, 2007, Complainant/Petitioner Ruth Ann Terry,
25 M.P.H., R.N., in her official capacity as the Executive Officer of the Board of Registered
26 Nursing, Department of Consumer Affairs, filed an Accusation and Petition to Revoke
27 Probation in Case No. 2003-282 against Respondent before the Board.

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1 3. On or about May 3, 2007, Donna H. Parker, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation and
3 Petition to Revoke Probation in Case No. 2003-282, Statement to Respondent, Notice of
4 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7
5 to Respondent's address of record with the Board, which was and is 19586 Pit River Place,
6 Cottonwood, CA 96022. A copy of the Accusation and Petition to Revoke Probation in
7 Case No. 2003-282, Notice of Defense, Statement to Respondent, Request for Discovery,
8 and Declaration of Service are attached as hereto as "Exhibit A," and are incorporated
9 herein by reference.

10 4. Service of the Accusation and Petition to Revoke Probation in Case
11 No. 2003-282 was effective as a matter of law under the provisions of Government Code
12 section 11505, subdivision (c).

13 5. On or about June 28, 2007, the aforementioned documents were returned
14 by the U.S. Postal Service as undeliverable. A copy of the postal return envelope is attached
15 hereto as "Exhibit B," and is incorporated herein by reference.

16 6. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the
18 merits if the respondent files a notice of defense, and the notice
19 shall be deemed a specific denial of all parts of the accusation
20 not expressly admitted. Failure to file a notice of defense shall
21 constitute a waiver of respondent's right to a hearing, but the
22 agency in its discretion may nevertheless grant a hearing.

23 7. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense
25 or to appear at the hearing, the agency may take action based upon
26 the respondent's express admissions or upon other evidence and
27 affidavits may be used as evidence without any notice to
28 respondent.

29 8. Pursuant to its authority under Government Code section 11520, the
30 Board finds Respondent is in default. The Board will take action without further hearing
31 and, based on Respondent's express admissions by way of default and the evidence before it

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1 contained in Exhibits A and B, the Board finds that the allegations in the Accusation and Petition
2 to Revoke Probation in Case No. 2003-282 are true.

3 9. The total costs for investigation and enforcement of this case is \$3,713 as
4 of July 11, 2007.

5 **DETERMINATION OF ISSUES**

6 10. Based on the foregoing findings of fact, Respondent has subjected
7 Registered Nurse License Number 548656 to discipline.

8 11. A copy of the Accusation and Petition to Revoke Probation, related
9 documents, and Declaration of Service in Case No. 2003-282 are attached.

10 12. The Board has jurisdiction to adjudicate this case by default.

11 13. The Board is authorized to revoke Registered Nurse License Number
12 548656 based upon the following violations alleged in the Accusation and Petition to Revoke
13 Probation:

14 **ACCUSATION**

15 14. **Cause for Discipline (Unprofessional Conduct).**

16 Respondent's license is subject to discipline for unprofessional conducted
17 under Code section 2761, subdivision (a), in that on or about March 28, 2006, while working the
18 night shift at Redding Care Center, Respondent was visibly impaired and unable to
19 perform her duties as a registered nurse consistent with the public health, safety, or welfare.

20 **PETITION TO REVOKE PROBATION**

21 15. Pursuant to Condition #10/11 of the probation that was granted by the
22 Board in the disciplinary action entitled, "*In the Matter of the Accusation Against: Janiece Marie*
23 *Donaldson Andrakin, Registered Nurse License No. 548656,*" Case No. 2003-282, grounds
24 exist to set aside the stay and impose the revocation of Registered Nurse License 548656,
25 in that Respondent has failed to comply with the following conditions of probation:

26 a. Condition #1. Respondent failed to comply with rules and regulations
27 adopted by the Board, as more particularly set forth under paragraph 11, above.

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1 b. Condition #2. Respondent failed to maintain an active registered
2 nurse's license (Respondent's RN license expired on April 30, 2006).

3 c. Condition #5. Respondent failed to submit to the Board evidence of
4 her completion of a physical health examination; failed to submit to the Board a written
5 statement regarding the circumstances of the termination of her employment from Redding
6 Care Center; and failed to submit to the Board a signed Cost Recovery Payment Plan.

7 d. Condition #12. Respondent failed to sign the Cost Recovery Payment
8 Plan and to submit cost recovery payments to the Board.

9 e. Additional Condition #1. Respondent failed to complete her
10 Physical Health Examination and have the narrative report submitted to the Board by the
11 November 24, 2004 due date.

12 f. Additional Condition #2. Respondent failed to complete her
13 Mental Health Examination and have the narrative report submitted to the Board by
14 the November 24, 2004 due date.

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1 EDMUND G. BROWN JR., Attorney General
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2 ARTHUR D. TAGGART
Lead Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation and Petition to Revoke
12 Probation Against:

Case No. 2003-282

13 **JANIECE MARIE DONALDSON ANDRAKIN, aka**
14 **JANIECE MARIE DONALDSON**
19586 Pitt River Place #A
Cottonwood, CA 96022

ACCUSATION AND
PETITION TO REVOKE
PROBATION

15 **Registered Nurse License No. 548656,**

16 Respondent.
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18 Complainant/Petitioner alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant/Petitioner") brings this
21 Accusation and Petition to Revoke Probation solely in her official capacity as the Executive
22 Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 2. **Janiece Marie Donaldson Andrakin**. On or about October 7, 1998,
24 the Board of Registered Nursing ("Board") issued Registered Nurse License Number 548656
25 ("license") to Janiece Marie Donaldson Andrakin, also known as Janiece Marie Donaldson
26 ("Respondent"). The license expired on April 30, 2006, and has not been renewed.

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Disciplinary History

3. On or about June 5, 2003, an Accusation was filed against Respondent in Case No. 2003-282, alleging multiple violations of the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.) pertaining to controlled substances. On or about February 17, 2004, following an administrative hearing, a Proposed Decision was issued in the matter. On or about May 18, 2004, a Notice of Non-Adoption of the Proposed Decision was issued by the Board.

4. On or about September 9, 2004, in Case No. 2003-282, also known as Case No. 2001-01-0079 and OAH No. N2003090108, the terms of the Stipulated Settlement and the original Proposed Decision in Case No. 2003-282 (OAH No. N2003090108) were adopted by the Board with two additional conditions of probation, effective October 9, 2004.

5. Pursuant to the Board's Decision and Order, Registered Nurse License Number 548656 was revoked. However, the revocation was stayed and the license placed on probation for a period of three (3) years under the following pertinent terms and conditions:

1. Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. . . .

2. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representative of the Board in its monitoring and investigation of the respondent's compliance with the Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

....

5. Respondent, during the period of probation, shall submit such written reports/declaration and verifications of actions under penalty of perjury as are required. . . .

....

10. If respondent violates the conditions of, or any condition of her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

11. If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license

1 or the Attorney General's Office has been requested to prepare an
2 accusation or petition to revoke probation against the respondent's
3 license, the probationary period shall automatically be extended
4 and shall not expire until the accusation or petition has been acted
upon by the Board. Upon successful completion of probation,
the respondent's license will be fully restored.

5 12. Respondent shall reimburse the Board costs in the amount
6 of \$2,128 forthwith, or under an arrangement acceptable to the
Board.

7 ADDITIONAL CONDITIONS

8 1. Physical Examination. Within 45 days of the effective
9 date of this decision, respondent, at his/her expense, shall have
a licensed physician, nurse practitioner, or physician assistant,
10 who is approved by the Board before the assessment is performed,
submit an assessment of the respondent's physical condition and
11 capability to perform the duties of a registered nurse

12 2. Mental Health Examination. The respondent shall, within
45 days of the effective date of this decision, have a mental
13 health examination including psychological testing as appropriate
to determine his/her capability to perform the duties of a registered
14 nurse The examination will be performed by a psychiatrist,
psychologist or other licensed mental health practitioner approved
15 by the Board. The examining mental health practitioner
will submit a written report of that assessment and
16 recommendations to the Board. . . .

17 6. A copy of the Accusation in Case No.2003-282, the Proposed Decision in
18 Case No. 2003-282 (OAH No. N2003090108), the Stipulated Settlement in Case No. 2001-01-
19 0079 (OAH No. N2003090108), the Decision and Order in Case nO. 2001-01-0079, the Decision
20 and Order in Case No. 2003-282 (OAH No. N2003090108), and related documents, are attached
21 hereto as "Exhibit A" and are incorporated herein by reference.

22 JURISDICTION

23 7. Section 2750 of the Business and Professions Code ("Code") provides:

24 Every certificate holder or licensee, including licensees
25 holding temporary licenses, or licensees holding licenses placed
in an inactive status, may be disciplined as provided in this
26 article [Article 3 of the Nursing Practice Act (Bus. & Prof.
Code, § 2700 et seq.)]. As used in this article, 'license' includes
27 certificate, registration, or any other authorization to engage
in practice regulated by this chapter. The proceedings under
28 this article shall be conducted in accordance with Chapter 5
(commencing with Section 11500) of Part 1 of Division 3

1 of Title 2 of the Government Code [the Administrative
2 Procedure Act], and the board shall have all the powers
3 granted therein.

4 8. Code section 2764 provides:

5 The lapsing or suspension of a license by operation of
6 law or by order or decision of the board or a court of law, or the
7 voluntary surrender of a license by a licentiate shall not deprive
8 the board of jurisdiction to proceed with any investigation of or
9 action or disciplinary proceeding against such license, or to
10 render a decision suspending or revoking such license.

11 STATUTORY PROVISIONS

12 9. Code section 2761, subdivision (a), provides, in pertinent part:

13 The board may take disciplinary action against a certified or
14 licensed nurse or deny an application for a certificate or license for
15 any of the following:

16 (a) Unprofessional conduct

17 10. Code section 125.3 provides that the Board may request the administrative
18 law judge to direct a licentiate found to have committed a violation or violations of the licensing
19 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
20 the case.

21 REGULATORY PROVISIONS

22 11. California Code of Regulations, title 16, section 1444, provides, in
23 pertinent part:

24 A conviction or act shall be considered to be substantially
25 related to the qualifications, functions or duties of a registered
26 nurse if to a substantial degree it evidences the present or
27 potential unfitness of a registered nurse to practice in a
28 manner consistent with the public health, safety, or welfare.

29 ACCUSATION

30 Background

31 12. On or about March 28, 2006, Respondent was employed and on duty
32 as a registered nurse during the night shift at Redding Care Center, located in Redding,
33 California. At approximately 1900 hours, Respondent was observed sitting in a slouched
34 position. Her speech was slurred and incoherent, and her gait while walking was described as

1 slow and deliberate. Her writing while completing charting entries was poor and illegible.
2 After refusing to submit to urine testing, she was relieved from her duties and sent home.
3 Respondent's employment with Redding Care Center was terminated the following day.

4 **CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct)

6 13. Respondent's license is subject to discipline for unprofessional conducted
7 under Code section 2761, subdivision (a), in that on or about March 28, 2006, while working
8 the night shift at Redding Care Center, Respondent was visibly impaired and unable to
9 perform her duties as a registered nurse consistent with the public health, safety, or welfare.

10 **PETITION TO REVOKE PROBATION**

11 14. Pursuant to Condition #10/11 of the probation that was granted by the
12 Board in the disciplinary action entitled, *"In the Matter of Accusation Against: Janiece Marie*
13 *Donaldson Andrakin, Registered Nurse License No. 548656,"* Case No. 2003-282, grounds
14 exist to set aside the stay and impose the revocation of Registered Nurse License 548656,
15 in that Respondent has failed to comply with the following conditions of probation:

16 a. Condition #1. Respondent failed to comply with rules and regulations
17 adopted by the Board, as more particularly set forth under paragraph 12, above.

18 b. Condition #2. Respondent failed to maintain an active registered
19 nurse's license (Respondent's RN license expired on April 30, 2006).

20 c. Condition #5. Respondent failed to submit to the Board evidence of
21 her completion of a physical health examination; failed to submit to the Board a written
22 statement regarding the circumstances of the termination of her employment from Redding
23 Care Center; and failed to submit to the Board a signed Cost Recovery Payment Plan.

24 d. Condition #12. Respondent failed to sign the Cost Recovery Payment
25 Plan and to submit cost recovery payments to the Board.

26 e. Additional Condition #1. Respondent failed to complete her
27 Physical Health Examination and have the narrative report submitted to the Board by the
28 November 24, 2004 due date.

1 f. Additional Condition #2. Respondent failed to complete her
2 Mental Health Examination and have the narrative report submitted to the Board by
3 the November 24, 2004 due date.

4 **PRAYER**

5 **WHEREFORE**, Complainant requests that a hearing be held on the matters
6 herein alleged, and that following the hearing the Board issue a decision:


7 1. Revoking or suspending Registered Nurse License No. 548656,
8 issued to Janiece Marie Donaldson Andrakin, also known as Janiece Marie Donaldson;

9 2. Revoking the probation that was granted by the Board in
10 Case No. 2003-282, and imposing the disciplinary order that was stayed, thereby revoking
11 Registered Nurse License No. 548656 issued to Janiece Marie Donaldson Andrakin, also
12 known as Janiece Marie Donaldson;

13 3. Ordering Janiece Marie Donaldson Andrakin, also known as Janiece
14 Marie Donaldson to pay the reasonable costs incurred by the Board in the investigation and
15 enforcement of this case pursuant to Code section 125.3; and,

16 4. Taking such other and further action as deemed necessary and proper.

17
18 **DATED:** 4/25/07

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21 
22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant/Petitioner
28

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EXHIBIT A

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2003-282

JANIECE MARIE DONALDSON ANDRAKIN

OAH No. N2003090108

Registered Nurse License No. 548656

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on October 9, 2004.

IT IS SO ORDERED September 9, 2004.

Sandra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

DEPARTMENT OF JUSTICE
**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JANIECE MARIE DONALDSON ANDRAKIN,

Registered Nurse License No. 548656

Respondent.

Case No. 2001-01-0079

OAH No. N2003090108

DECISION AND ORDER

The attached Stipulated Settlement is accepted and the attached Proposed Decision, with the two additional conditions set forth below, is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

ADDITIONAL CONDITIONS

1. **Physical Examination** - Within 45 days of the effective date of this decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the respondent's physical condition and capability to perform the duties of a registered nurse, including a determination as set forth below in Condition 16, "Rule-Out Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued

by the Board is required until the Board has notified respondent that a medical determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

2. Mental Health Examination - The respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his/her capability to perform the duties of a registered nurse, including a determination as set forth below in Condition 16, "Rule-Out Substance Abuse Assessment." The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

3. **Rule-Out Substance Abuse Assessment** - If the examiner conducting the physical and/or mental health examination determines that the respondent is dependent upon drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol dependence in remission), that might reasonably affect the safe practice of nursing, then the respondent must further comply with the following additional terms and conditions of probation.

(A) Participate in Treatment/rehabilitation Program for Chemical Dependence -

Respondent, at his/her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation

confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(B) Abstain from Use of Psychotropic (Mood-altering) Drugs - Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(C) Submit to Tests and Samples - Respondent, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is

responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(D) Therapy or Counseling Program - Respondent, at his/her expense, shall participate in an on-going counseling program until such time as the Board releases him/her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

This Decision shall become effective on October 9, 2004.

It is so ORDERED September 9, 2004.

Sandra L. Erickson, CRNA
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation No. 2001-01-0079

1 BILL LOCKYER, Attorney General
2 of the State of California
3 PAUL V. BISHOP, State Bar No. 50133
4 Deputy Attorney General
5 California Department of Justice
6 1300 I Street, Suite 125
7 P.O. Box 944255
8 Sacramento, CA 94244-2550
9 Telephone: (916) 324-4618
10 Facsimile: (916) 327-8643

11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

17 JANIECE MARIE DONALDSON ANDRAKIN,

18 Registered Nurse License No. 548656

19 Respondent.

Case No. 2001-01-0079

OAH No. N2003090108

STIPULATED SETTLEMENT

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
21 above-entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Paul V.
26 Bishop, Deputy Attorney General.

27 2. JANIECE MARIE DONALDSON ANDRAKIN (Respondent) is
28 representing herself in this proceeding and has chosen not to exercise her right to be represented
by counsel.

3. On or about May 18, 2004, the Board of Registered Nursing issued a
Notice of Non-Adoption of Proposed Decision concerning Accusation No. 2001-01-0079. Both
parties were properly served with that decision.

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ACCEPTANCE

I have carefully read the Stipulated Settlement. I understand the stipulation and the effect it will have on my license. I enter into this Stipulated Settlement voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8/27/04

Janiece Marie Donaldson Andraikin
JANIECE MARIE DONALDSON ANDRAKIN
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 9/30/04

BILL LOCKYER, Attorney General
of the State of California

Paul V. Bishop
PAUL V. BISHOP
Deputy Attorney General

Attorneys for Complainant

FVB:ajd
8-27-04

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

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AKA JANIECE MARIE ANDRAKIN-
DONALDSON
P.O. BOX 5560
COTTENWOOD, CA 96022
Registered Nurse License No. 548656**

Respondent.

Case No. 2003-282

OAH No. N2003090108

PROPOSED DECISION

On January 14, 2004, in Redding, California, Denny R. Davis, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Paul V. Bishop, Deputy Attorney General, Department of Justice, represented the complainant.

Janiece Marie Donaldson, aka Janiece Marie Andrakin, respondent was present and she represented herself.

Evidence was received, the record was closed and the matter was submitted on January 14, 2004.

STIPULATIONS

The parties stipulate to the facts alleged at paragraphs 13 and 14 in the accusation.

FACTUAL FINDINGS

1. Complainant, Ruth Ann Terry, M.P.H., R.N., filed the accusation against respondent in her official capacity only and not otherwise, as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs.
2. On October 7, 1998, the Board of Registered Nursing issued Registered Nurse License Number 548656 to Janiece Marie Donaldson ("respondent"). Respondent's license was in full force and effect at all times relevant herein. Her license is scheduled to expire on April 30, 2004, unless renewed, revoked or otherwise disciplined.
3. It is alleged that while on duty as a registered nurse at Redding Medical Center, in Redding California, respondent engaged in unprofessional conduct. Specifically, complainant's accusation alleges that respondent committed acts involving false, grossly incorrect, and grossly inconsistent entries in hospital, patient, or other records pertaining to controlled substances.
4. On June 3, 2000, respondent obtained a total of eight tablets of Percocet for a patient but she failed to properly record the administration of two of the eight tablets of medication and she did not otherwise account for the disposition of the two tablets of medication. By her conduct respondent violated her professional ethics and she violated her professional standards of conduct and in so doing she has subjected her license to discipline. The acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for respondent's license to be revoked.
5. On June 3, 2000, while on duty as a registered nurse at Redding Medical Center, in Redding California, respondent obtained a 1mg. dosage of Ristoril for a patient. She failed to record in the patient's chart the administration of the medication and she did not otherwise account for the disposition of the Ristoril. Respondent has subjected her license to discipline. The acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for her license to be revoked.
6. On June 4, 2000; while on duty as a registered nurse at Redding Medical Center respondent obtained six tablets of Vicodin for a patient but she failed to properly record the administration of the medication and she did not otherwise account for the disposition of the two tablets of medication. By her conduct respondent violated her professional ethics and she violated her professional standards of conduct and in so doing she has subjected her license to discipline. The acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for her license to be revoked.
7. On June 4, 2000, while on duty as a registered nurse at Redding Medical Center respondent obtained a 25 mg. dosage of Demerol for a patient but she failed to properly record the administration of two of the medication and she did not otherwise account for the disposition of the medication. Respondent violated the professional ethics

and standards of conduct, subjecting her license to discipline. Cause exists for her license to be revoked because the acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse.

8. On June 4, 2000, while on duty as a registered nurse at Redding Medical Center respondent obtained ten tablets of Percocet for a patient but she failed to properly record the administration of the medication and she did not otherwise account for the disposition of four tablets the medication. Again her conduct was unprofessional and the acts committed were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for her license to be revoked.

9. On June 5, 2000, while on duty as a registered nurse at Redding Medical Center respondent obtained ten tablets of Vicodin for a patient but she failed to properly record the administration of the medication and she did not otherwise account for the disposition of the two tablets of medication. The acts committed by respondent violated her professional standards of conduct and they were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for her license to be revoked.

10. Between June 3, 2000 and June 5, 2000, respondent obtained, possessed, and self-administered Percocet and Vicodin without a prescription violating Health and Safety Code sections 11350 and 11377. The acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse. She violated her professional standards of conduct giving rise to cause for the revocation of her license.

11. On June 4, 2000, while on duty as a registered nurse at Redding Medical Center respondent obtained 25mg. of Demerol for a patient but she failed to properly record the administration of two of the six tablets of medication and she did not otherwise account for the disposition of the two tablets of medication. By her conduct respondent violated her professional ethics and she violated her professional standards of conduct and in so doing she has subjected her license to discipline. The acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for her license to be revoked.

12. Respondent's employment history includes being an EMT for 11.5 years as a volunteer firefighter. She served in positions of leadership and responsibility for the fire department. Respondent has been a Registered Nurse since October 1998. She was twenty eight years of age when she was licensed. She has no previous history of drug abuse. She has no prior history of unprofessional conduct. She started using unauthorized medications in July 2000.

13. Respondent's evidence of mitigation and rehabilitation was weighed and considered. Respondent has made changes in her life. She has attended and completed 21 hours of the Shasta County Options Program, the Alcoholics Anonymous and the Narcotics Anonymous programs. Respondent has internalized her own misconduct. She demonstrates an understanding that professional standards of conduct relate to the nurse's own internal

decisions which manifest in some form of volitional conduct or misconduct. Respondent testified that she is aware that she violated the standards of her profession. For her wrongs she is remorseful. While the conduct that resulted in her criminal conviction (for which she is still on probation and which is scheduled to conclude on February 23, 2004) was serious, there has been a showing of rehabilitation. Respondent's mother and brother testified on her behalf. They testified about respondent's good character and profession commitment to the practice of nursing. They convincingly testified that respondent is committed to a high level of professionalism in the healing arts as a registered nurse.

14. While the consequences of misconduct remains important, professional standards look to the decision making process of the Nurse to ascertain a willingness or an unwillingness to commit the wrong complained of. She admits doing the wrong. She testified that due to a serious back injury, followed by four surgeries, she was in severe pain. Following her first back surgery, in December 1988, she was cared for by a physician who for two years he under-prescribed pain medications. For the past 3.5 years she has been under the care of another physician who increased the dosage of pain medication to a medically required and sound level. She is able to function on a daily basis pain-free. The actions taken by respondent and the programs completed by her show that she has rehabilitated sufficiently to warrant consideration of a probationary license.

15. The Deputy Attorney General filed a certification of costs incurred in the investigation and prosecution of this matter. The certification was filed pursuant to Business and Professions Code section 125.3. The costs incurred were as follows:

- a. The Deputy Attorney General logged 19 hours at the rate of \$112.00 per hour for a cost of \$2,128.00 in the fiscal year 2003/2004; and
- b. The total costs shown to be reasonably claimed and therefore recoverable are \$2,128.00.

LEGAL CONCLUSIONS

1. Business and Professions Code section 2750 provides:

Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article. As used in this article, "license" includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of

the Government Code, and the board shall have all the powers granted therein.

2. The Board filed an accusation against respondent pursuant to Business and Professions Code section 2750. Respondent filed a timely notice of defense in response to the accusation. Respondent was provided this due process hearing pursuant to Government Code, commencing with section 11500, as a result of her filing a notice of defense.

3. Business and Professions Code section 2761 subsections (a) (1) provides:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions. ...

...

4. Respondent engaged in unprofessional conduct subjecting her license to discipline. Respondent violated the professional standards of conduct of a registered nurse. Respondent was incompetent and grossly negligent in carrying out her nursing functions.

5. As set forth in Findings 4, 5, 6, 7, 8, 9, and 10, respondent committed acts constituting grounds for revocation of licensure under sections 2761(a)(1) of the Business and Professions Code. The acts committed by respondent were substantially related to the qualifications, functions and duties of a registered nurse. Cause exists for her license to be revoked.

6. Business and Professions Code section 2762 subsections (a) and (e) provide:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous

drug or dangerous device as defined in Section 4022.

...

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

7. Respondent engaged in unprofessional conduct by her failure to accurately make entries in patients' charts and logs and by falsifying medical administration entries in hospital records. She further subjected her license to discipline by making grossly incorrect and grossly inaccurate entries in hospital and patient records.

8. Health and Safety Code section 11350(a) provides:

Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.

9. Respondent obtained and possessed a variety of medications, controlled substances, without a prescription and without the permission of a physician in violation of the law and in doing so she subjected herself to punishment by imprisonment as provided for in Health and Safety Code section 11350. And by violating Health and Safety Code section 11350 she subjected her license to discipline.

10. Health and Safety Code section 11377(a) provides:

Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of

subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison.

11. Respondent obtained and possessed, without a prescription and without the permission of a physician and for her own use, medications in violation of the law. By her conduct she subjected herself to punishment by imprisonment as provided for in Health and Safety Code section 11377. And by subjecting herself to punishment by imprisonment she subjected her license to discipline.

12. Business and Professions Code section 125.3 provides in part as follows:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

...

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision

fails to make a finding on costs requested pursuant to subdivision (a).

(e) Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licentiate who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licentiate who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

13. It is the duty of the Board to initiate inquiries into unprofessional conduct of registered nurses. Additionally, it is the duty of the Board to investigate complaints about unprofessional conduct committed by registered nurses. Costs incurred, as certified by the Deputy Attorney General were both reasonable and necessary. The Board is entitled to reimbursement for costs in the amount of \$2,128.00.

ORDER

Registered Nurse License Number 548656 issued to Janiece Marie Donaldson, respondent, is revoked, provided however the revocation is stayed for a period of three years under the following terms and conditions:

1. Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.
2. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.
3. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Periods of residency or practice outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Respondent, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.
6. Respondent, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license, which is in an active status.

7. The Board shall be informed of and approve of each agency for which the respondent provides nursing services prior to respondent's commencement of work. The respondent shall inform her employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to her employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Respondent is also required to notify the Board in writing within seventy-two (72) hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.

8. The Board shall be informed of and approve of the level of supervision provided to the respondent while she is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.

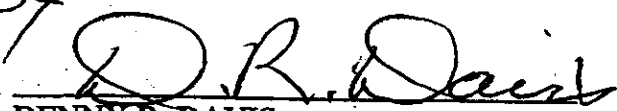
9. Respondent may work for a nurse registry; temporary nurse agency; home care agency; or an in-house nursing pool. Respondent may work only at identified and predetermined worksite(s) with appropriate supervision as approved by the Board.

10. If respondent violates the conditions of, or any condition of her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

11. If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, the respondent's license will be fully restored.

12. Respondent shall reimburse the Board costs in the amount of \$2,128.00, forthwith, or under an arrangement acceptable to the Board.

Dated: February 17, 2004


DENNY R. DAVIS
Administrative Law Judge
Office of Administrative Hearings

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of the State of California
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Attorneys for Complainant
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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2003-282

13 JANIECE MARIE DONALDSON,
A.K.A. JANIECE DONALDSON,
14 A.K.A. JANIECE MARIE DONALDSON
ANDRAKIN,
A.K.A. JANIECE MARIE ANDRAKIN,
15 A.K.A. JANIECE MARIE ANDRAKIN-
DONALDSON
16 P.O. Box 5560
Cottonwood, CA 96022
17 Registered Nurse License No. 548656

ACCUSATION

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.
- 24 2. On or about October 7, 1998, the Board of Registered Nursing ("Board")
25 issued Registered Nurse License Number 548656 to Janiece Marie Donaldson, a.k.a. Janiece
26 Donaldson, a.k.a. Janiece Marie Donaldson Andraikin, a.k.a. Janiece Marie Andraikin,
27 a.k.a. Janiece Marie Andraikin-Donaldson (hereinafter "Respondent"). The license will expire on
28 April 30, 2004, unless renewed.

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1 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
2 prison.

3 7. Health and Safety Code section 11377(a) provides that except as
4 authorized by law and as otherwise provided in subdivision (b) or in Article 7 (commencing with
5 Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person
6 who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and
7 which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs
8 (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (2) or (3) of subdivision
9 (f) of Section 11054, or (4) specified in subdivision (d), (e), or (f) of Section 11055, unless upon
10 the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this
11 state, shall be punished by imprisonment in a county jail for a period of not more than one year or
12 in the state prison.

13 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
14 request the administrative law judge to direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 DRUGS

18 9. "Demerol" is a brand of meperidine hydrochloride, a derivative of
19 pethidine, and a Schedule II controlled substance as designated by Health and Safety Code
20 section 11055(c)(17).

21 10. "Percocet" is a brand of oxycodone, a Schedule II controlled substance as
22 designated by Health and Safety Code section 11055(b)(1)(N).

23 11. "Restoril" is a brand of temazepam, a Schedule IV controlled substance,
24 as designated by Health and Safety Code section 11057(d)(23).

25 12. "Vicodin" is a compound consisting of 500mg. acetaminophene per tablet
26 and 5mg. hydrocodone bitartrate also known as dihydrocodeinone, a Schedule III controlled
27 substance as designated by Health and Safety Code section 11056(e)(4).

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (False or Grossly Inconsistent Record Entries)

3 13. Respondent's registered nurse license is subject to discipline under
4 sections 2761(a) and 2762(e) of the Code in that while employed at Redding Medical Center
5 (RMC) located in Redding, California, Respondent committed the following acts involving false,
6 grossly incorrect, or grossly inconsistent entries in hospital, patient, or other records pertaining to
7 controlled substances:

8 a. **Patient G. D.:**

9 1. On or about June 3, 2000, at approximately 0128 hours,
10 0332 hours, 0532 hours, and at approximately 2017 hours, respectively, Respondent obtained a
11 total of eight tablets of Percocet for administration to Patient G. D. Thereafter, Respondent
12 failed to document or record the administration of the medication in Respondent's nursing notes,
13 or to document or record the administration of two tablets of the medication on the patient's
14 medication administration record, or otherwise account for the disposition of two tablets of
15 Percocet.

16 2. On or about June 3, 2000, at approximately 2226 hours,
17 Respondent obtained a 1mg. dosage of Ristoril for administration to Patient G. D. Thereafter,
18 Respondent failed to document or record the administration of the medication in Respondent's
19 nursing notes, or to document or record the administration of the medication on the patient's
20 medication administration record, or otherwise account for the disposition of the medication.

21 3. On or about June 4, 2000, at approximately 0105 hours,
22 0249 hours, and at approximately 2145 hours, respectively, Respondent obtained a total of six
23 tablets of Percocet for administration to Patient G. D. Thereafter, Respondent failed to document
24 or record the administration of the medication in Respondent's nursing notes, or to document or
25 record the administration of two tablets of Percocet on the patient's medication administration
26 record, or otherwise account for the disposition of two tablets of Percocet.

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1 4. On or about June 4, 2000, at approximately 0250 hours,
2 2150 hours, and at approximately 2145 hours, respectively, Respondent obtained a total of six
3 tablets of Vicodin for administration to Patient G. D. Thereafter, Respondent failed to document
4 or record the administration of the medication in Respondent's nursing notes, or to document or
5 record the administration of the medication on the patient's medication administration record, or
6 otherwise account for the disposition of the medication.

7 5. On or about June 4, 2000, at approximately 0250 hours,
8 Respondent obtained a 25mg. dosage of Demerol for administration to Patient G. D. Thereafter,
9 Respondent failed to document or record the administration of the medication in Respondent's
10 nursing notes, or to document or record the administration of the medication on the patient's
11 medication administration record, or otherwise account for the disposition of the medication.

12 6. On or about June 5, 2000, at approximately 0315 hours
13 Respondent obtained a total of four tablets of Percocet for administration to Patient G. D.
14 Thereafter, Respondent failed to document or to record the administration of the medication in
15 Respondent's nursing notes, or to document or record the administration of the medication on the
16 patient's medication administration record, or otherwise account for the disposition of the
17 medication.

18 b. Patient L. G.:

19 1. On or about June 3, 2000, at approximately 1838 hours,
20 1946 hours, and at approximately 2317 hours, respectively, Respondent obtained a total of six
21 tablets of Percocet for administration to Patient L. G. Thereafter, Respondent failed to document
22 the administration of the medication in Respondent's nursing notes.

23 2. On or about June 4, 2000, at approximately 1938 hours,
24 2342 hours, 2343 hours, 0240 hours, and at approximately 0529 hours, respectively, Respondent
25 obtained a total of ten tablets of Percocet for administration to Patient L. G. Thereafter,
26 Respondent failed to document or record the administration of the medication in Respondent's
27 nursing notes, or to document or record the administration of four tablets of Percocet on the
28 patient's medication administration record, or otherwise account for the disposition of four

1 tablets of Percocet.

2 3. On or about June 5, 2000, at approximately 10240 hours
3 and at approximately 1929 hours, respectively, Respondent obtained a total of four tablets of
4 Vicodin for administration to Patient L. G. Thereafter, Respondent failed to document the
5 administration of the medication in Respondent's nursing notes, or to document or record the
6 administration of the medication on the patient's medication administration record, or otherwise
7 account for the disposition of the medication.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Obtaining, Possessing, and Self-Administering Controlled Substances)

10 14. Respondent's registered nurse license is subject to discipline under
11 sections 2761(a) and 2762(a) of the Code in that from on or about June 3, 2000, until on to about
12 June 5, 2000, while employed at Redding Medical Center (RMC) located in Redding, California,
13 Respondent obtained, possessed, and self-administered Percocet and Vicodin without a
14 prescription therefor and without any other legal authority to do so, in violation of Health and
15 Safety Code sections 11350(a) and 11377(a).

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters
18 herein alleged, and that following the hearing the Board issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 548656 issued
20 to Janiece Marie Donaldson, a.k.a. Janiece Donaldson, a.k.a. Janiece Marie Donaldson Andrakin,
21 a.k.a. Janiece Marie Andrakin, a.k.a. Janiece Marie Andrakin-Donaldson;

22 2. Ordering Janiece Marie Donaldson, a.k.a. Janiece Donaldson, a.k.a.
23 Janiece Marie Donaldson Andrakin, a.k.a. Janiece Marie Andrakin, a.k.a. Janiece Marie
24 Andrakin-Donaldson to pay the reasonable costs incurred by the Board in the investigation and
25 enforcement of this case pursuant to section 125.3 of the Code;


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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/5/03


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant